



30 MAR 2007

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In re Application of :  
XU *et al* :  
U.S. Application No.: 10/569,235 :  
PCT No.: PCT/US2004/031124 :  
Int. Filing Date: 23 September 2004 :  
Priority Date: 17 October 2003 :  
Attorney's Docket No.: 00758.1588USWO :  
For: PRECLEANER ARRANGEMENT FOR :  
USE IN AIR FILTRATION, ... :

**DECISION**

This decision is in response to the declaration filed on 04 December 2006.

**BACKGROUND**

On 18 September 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) & (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 04 December 2006, applicants filed a response to the Form PCT/DO/EO/905 which was accompanied by, *inter alia*, a one-month extension and fee, the surcharge fee and an executed declaration.

On 19 March 2007, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and filing receipt indicating completion of all 35 U.S.C. 371 requirements on 04 December 2006.

**DISCUSSION**

Despite the mailing of the Form PCT/DO/EO/903 on 17 March 2007, a further review of the declaration filed 04 December 2006 shows that it is not acceptable.

First, applicants submitted what appears to be a partial declaration. The last page lists only one inventor (Marty Barris) while the same inventor is recorded unexecuted on the fourth page. As such, it is clear that the complete declaration executed by the last inventor was not submitted. Applicants must submit a complete

copy of each declaration signed by the applicants.

Second, the pen and ink change of the citizenship of the first inventor, Jian Xu, from China to the United States was not initialed by the inventor. This is not acceptable. Section 605.04(a) of the MPEP states that:

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

For these reasons, a new declaration is required.

### **DECISION**

The declaration submitted on 04 December 2006 is not in compliance with 37 CFR 1.497(a) and (b).

The Form PCT/DO/EO/903 and filing receipt mailed 19 March 2007 were sent in error and are hereby **VACATED**.

Applicants must provide a complete declaration in compliance with 37 CFR 1.497(a) and (b) within **ONE (1) MONTH** from the mail date of this communication, or any time remaining in the Form PCT/DO/EO/905, whichever is longer.

Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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